

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARVIN D. WATSON and JANE WATSON, ) Case No.  
Plaintiffs, )  
vs. ) COMPLAINT AND JURY DEMAND  
RENE LACOMBE, TRAVELERS TRANSPORTATION SERVICES, INC., and JOHN PAUL ELEDGE, )  
Defendants.

**COUNT I**

- 1) Plaintiffs Marvin D. Watson and Jane Watson are husband and wife and residents of the State of Nebraska.
- 2) Defendant Travelers Transportation Services, Inc., is a corporation engaged in international and interstate commerce throughout all States and Provinces of North America, including Nebraska and has its principle place of business in the Providence of Ontario, Canada and at all times hereafter was the employer of Rene Lacombe, who was at all times acting within the course and scope of his employment as a truck driver.
- 3) Defendant Rene Lacombe is a resident of the Providence of Quebec, Canada and at all times hereafter was an employee of Defendant Travelers Transportation Services, Inc., and acting within the course and scope of his employment.
- 4) Defendant John Paul Eledge is a resident of the State of Iowa.

5) This Court has jurisdiction pursuant to 28 US §1332 because there is complete diversity among the parties and amount of controversy exceeds \$75,000.00.

6) At all relevant times Travelers Transportation Services, Inc., owned the vehicle involved in the collision hereinafter set-forth, was registered as a "motor carrier" and "employer" of drivers of "commercial motor vehicle" as defined in the Federal Motor Carrier Safety Regulations, and was subject to such rule and regulations as promulgated in 49 CRR §390.5. Pursuant to Nebraska law, Nebraska has adopted the Federal Motor Carrier Safety Regulations as the standard and laws of the state.

7) That on or about March 10, 2013, at approximately 3:52 PM, Plaintiff Marvin D. Watson was operating a 2007 Honda Pilot in a westerly direction on Interstate 80 at approximately Mile Marker 49 in the State of Iowa. At that same time and place Defendant John Paul Eledge was operating a 1999 Dodge automobile in a westerly direction and Defendant Rene Lacombe was operating a 2011 Freightliner semi tractor trailer, also in a westerly direction.

8) At that same time and place Defendant John Paul Eledge caused his vehicle to slow and stop suddenly which caused Plaintiff Marvin Watson to swerve to the right to avoid striking the vehicle driven by Defendant John Paul Eledge. At that same time and place the semi tractor trailer owned by Travelers Transportation Services, Inc., and driven by Rene Lacombe struck the rear of both the vehicles being driven by Defendant John Paul Eledge and Plaintiff Marvin D. Watson. As a direct and proximate result of said collision both Plaintiffs Marvin D. Watson and Jane Watson were injured.

9) The direct and proximate cause of the aforesaid collision was the negligence of the Defendants, and each of them as follows:

- a. Negligence of Defendant John Paul Eledge
  1. Failure to keep his vehicle under reasonable control.
  2. Failure to maintain a proper lookout.
  3. Stopping suddenly in a lane of traffic.
- b. Negligence of Defendants Travelers Transportation Services, Inc. and Rene Lacombe
  1. Failure to keep a proper lookout.
  2. Failure to keep his vehicle under reasonable control.
  3. Failure to yield right of way.
  4. Operating a tractor that was not mechanically safe.
  5. Operating his tractor when conditions were hazardous.
  6. Operating a vehicle he was not qualified to operate.
- c. Negligence of Defendant Travelers Transportation Services, Inc., only
  1. Failure to properly keep said tractor in proper repair.
  2. Failure to properly train Rene Lacombe.
  3. Hiring Rene Lacombe, who was not qualified to operate said vehicle.

10) As a direct and proximate result of aforesaid collision Plaintiff Marvin D. Watson received head and neck injuries which have resulted in permanent injury.

11) As a direct and proximate result of the aforesaid accident and injuries the Plaintiff Marvin D. Watson suffered the following damages:

- a. Medical expenses in the amount of \$46,251.96.
- b. Future medical expenses.
- c. Loss wages past and future.
- d. Loss of earning capacity.
- e. Pain, suffering and mental distress, past and future.
- f. Permanent impairment.

WHEREFORE, Plaintiff prays for judgments against the Defendants and each of them in the amount of \$500,000.00.

**COUNT II**

12) At the time of the accident, Plaintiff Jane Watson, was married to Marvin D. Watson.

13) Plaintiff Jane Watson incorporates herein allegations contained in Paragraphs 1 through 10.

14) That as a direct and proximate result of the aforesaid collision, Plaintiff Jane Watson received a neck injury which resulted in medical expenses of \$1,000.00.

15) As a direct and proximate result of the aforesaid collision and injury to her husband, Plaintiff Jane Watson has incurred loss of consortium past and future.

WHEREFORE, Plaintiff Jane Watson prays for judgment in the amount of \$100,000.00.

Plaintiffs request a jury trial in Lincoln, Nebraska.

MARVIN D. WATSON and JANE  
WATSON, Plaintiffs

BY: FRIEDMAN LAW OFFICES, P.C., L.L.O.  
Attorneys for Plaintiff  
3800 Normal Blvd., Suite 200  
PO Box 82009  
Lincoln, NE 68501  
(402) 476-1093

/s/ Robert R. Moodie #17370